

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RICHARD BORST,

Plaintiff,

v.

Case No. 08-14292

MS SELECT REALTY, LLC, et al.,

Defendants.

ORDER APPOINTING FORENSIC ACCOUNTANT AND FACILITATIVE MEDIATOR

After consultation with the parties concerning the status of their efforts to reach settlement, the court is informed that both parties desire to employ a forensic accountant and facilitative mediator. The mediator will assist the parties in narrowing their range of valuations of the business and potential damages in the case. The parties have consulted with the court and suggested several suitable forensic accountants. The parties sought the court's guidance in the selection of one of them, and have agreed with the court that Suzanne M. Tarchala will be appointed as facilitative mediator. Accordingly,

IT IS ORDERED that SUZANNE M. TARCHALA is appointed by the court as forensic accountant and facilitative mediator, whose fees and expenses shall be paid on a pro rata basis by the parties, 50% by Plaintiff and 50% by Defendants, on a schedule as directed by the mediator.

IT IS FURTHER ORDERED that the process of such investigation and mediation shall proceed in a manner directed by the mediator.

IT IS FURTHER ORDERED that the parties shall comply with all requests to produce documents or other information as directed by the mediator.

IT IS FURTHER ORDERED that if the mediator directs that one or more decision-making representatives of the parties be required to personally attend the mediation, the parties shall comply with such directive.

It is the intent of the court that the ordered mediation is to proceed during the month of January, 2011, and that the parties make good faith efforts to reach a binding and final agreed-upon resolution to the issues that presently divide them.

The mediator is expected only to assist the parties in their good-faith efforts, and is not expected to render any decision that is the equivalent of binding arbitration nor is the mediation to proceed under Michigan sanction rules relating to case evaluation.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 27, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 27, 2010, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522